



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

June 9, 2010

Robert Lucas  
Redevelopment Agency for the County  
of Riverside County  
1325 Spruce Street, Suite 400  
Riverside, CA 92507

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE EL CERRITO ROAD IMPROVEMENT PROJECT, EL  
CERRITO AREA, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE)  
(SARWQCB PROJECT NO. 332010-04)**

Dear Mr. Lucas:

On February 9, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Redevelopment Agency for the County of Riverside for improvements to the roadway and storm drain facilities to accommodate 100-year storm flows along El Cerrito Road between Interstate 15 and East Ontario Road / Temescal Canyon Road. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

**Project Description:** Demolition and removal of an existing box culvert and 2,140 linear foot (LF) section of concrete-lined open channel storm drain from El Cerrito Road between Evelyn Street and the intersection of El Cerrito Road and East Ontario Ave/Temescal Canyon Road. Demolish and remove the existing box culvert beneath the intersection of El Cerrito Road and East Ontario Avenue/Temescal Canyon Road; Replacing the removed materials with an approximately 2,140 LF reinforced concrete box (RCB) culvert, sized from 4 feet by 8 feet to approximately 4.5 feet to 11 feet, to accommodate 100-year storm flows for ultimate development;

*California Environmental Protection Agency*



Constructing a concrete transition structure between the proposed buried RCB culvert and the existing storm channel located northeasterly of the intersection of El Cerrito Road and East Ontario Avenue/Temescal Canyon Road; Installing catch basins and approximately 500 feet of buried 18-inch or 36-inch diameter storm drain in Marilyn Drive, southerly of El Cerrito Road. Road improvements to include: extending the curb, gutter and sidewalks along the north side of El Cerrito Road and constructing curb, gutter and sidewalk along the south side of El Cerrito Road, from northeasterly side of Interstate 15 to the southwesterly side of the intersection of El Cerrito Road and East Ontario Avenue/Temescal Canyon Road; Constructing approximately 1,990 of raised center-median with concrete curbing, including landscaping inside approximately 1,500 LF within the median; Repaving El Cerrito Road from the northeasterly side of Interstate 15 to the northeasterly side of the intersection of El Cerrito Road and East Ontario Avenue/Temescal Canyon Road. The work will take place within Section 8 of Township 4 South, Range 6 West, of the U.S. Geological Survey *Corona South, California*, 7.5-minute topographic quadrangle map (33° 49'59.33"N / 117°31'46.76"W).

Receiving water:	El Cerrito Channel (Concrete-Lined Storm Channel/Stream), tributary to Temescal Wash and the Santa Ana River
Fill area:	0.6 acre of permanent impact to a streambed habitat (2,140 linear feet)
Dredge/Fill volume:	N/A
Federal permit:	U.S. Army Corps of Engineers Individual Permit Referenced to File No. SPL-2010-00205-SME

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

**Onsite Water Quality Standards Mitigation Proposed:**

- Best Management Practices ("BMPs") will be specified in the project Storm Water Pollution Prevention Plan ("SWPPP").

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0033 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, including the preparation of a SWPPP.

The proposed project is subject to a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the Redevelopment Agency for the County of Riverside adopted a Mitigated Negative Declaration for the project on September 29, 2009. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated negative declaration prior to reaching a decision on the project. The Regional Board has considered the Redevelopment Agency's Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

**This 401 Certification is contingent upon the execution of the following conditions:**

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at:

[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert  
Department of Fish and Game – Anna Milloy  
State Water Resources Control Board, Office of Chief Counsel – David Rice  
State Water Resources Control Board DWQ – Water Quality Certification Unit  
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

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